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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,266	01/24/2002	Eric P. Rose	INEI 0306 PUSP	2759

7590 06/28/2004
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EXAMINER

NGUYEN, JIMMY H

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,266

Applicant(s)

ROSE ET AL.

Examiner

Jimmy H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8,9,13,16-21,24,28-30,33,34,37,40 and 43-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,8,9,13,16-21,24,28-30,33,34,37,40 and 43-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is made in response to applicant's amendment filed on 04/14/2004 (entered into the file wrapper as Paper No. 7). Claims 1, 3-5, 8, 9, 13, 16-21, 24, 28-30, 33, 34, 37, 40 and 43-48 are currently pending in the application. An action follows below:

Claim Objections

2. Claim 1 is objected to under 37 CFR 1.75(a) because although this claim meets the requirement 112/2d, i.e., the metes and bounds are determinable, however, --being a-- should be inserted immediately before "part", so as to clarify the claimed invention.

It is in the best interest of the patent community that applicant, in his/her normal review and/or rewriting of the claims, to take into consideration these editorial situations and make changes as necessary.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 8, 9, 13, 17, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Lopresti et al. (USPN: 5,889,506), hereinafter Lopresti.

As per claims 1, 8, 9 and 20, Lopresti discloses a game and home entertainment device remote control system (see fig. 2) comprising a remote control (24) having a touch pad (a

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digitizing writing surface 26, col. 3, lines 65-66), a display screen (a television 36/64, col. 4, line 29), and a controller (processor 72, fig. 4, col. 2, lines 39-52, col. 5, line 65 through col. 6, line 3). Regarding to limitations, lines 7-16 of claim 1, as noting in figs. 14 and 15, and the description at col. 2, lines 1-19, col. 7, lines 46-53, col. 10, lines 6-11 and lines 44-54, col. 11, lines 18-20, Lopresti implicitly discloses the remote control (24) capable of controlling the home entertainment devices (audio tape 44, VCR 46, laser disc Player 48, TV 36) and controlling a game, by tapping on the touchpad (26), thereby performing a game activity or enabling a home entertainment device control function. Accordingly, the elements in the claims are read in the Lopresti reference.

Regarding to claims 13, 17 and 21 above, Lopresti further teaches the gesture comprising words, symbols, pictures and etc. (col. 2, lines 1-19), i.e., the gesture inherently comprising at least one simple linear movement gesture, one rotational control gesture (claims 17 and 44), or one complex gesture having at least two elements such as straight line movement and circular movements.

5. Claims 28-30, 33, 34 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Goulden et al. (USPN: 5,956,025), hereinafter Goulden.

As per claims 28-30 and 37, Goulden discloses a game and home entertainment device remote control system and an associate method of remotely controlling the game and home entertainment device, the system (see fig. 1) comprising a remote control (a handheld remote device 118) (fig. 1) having a touch pad (a touch screen, col. 3, lines 10-13), a display screen (a display 116, fig. 1) having a display area, and a controller (114, fig. 1). As noting in fig. 3, at col. 3, lines 13-63 and at col. 6, lines 5-11, Goulden further teaches the icons associated with the

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home entertainment devices, such as a CD player, TV, DVD player, VCR, etc., and games, and the controller operative to receive the touch pad signal caused by a user press on a particular icon on the touch pad (i.e., the claimed gesture) in order to activate a corresponding program, and to determine whether the touch pad signal is for controlling a game or for controlling a home entertainment device, thereby performing a game activity or enabling a home entertainment device control function.

Regarding to claims 33 and 34, as noting in fig. 3, Goulden further teaches the touch pad divided into a plurality of graphical icons and/or a plurality of touch screen actuating buttons (i.e., corresponding to the claimed plurality of regions), each button or each icon executing different functions or different programs.

6. Claims 28-30, 33, 34 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Allport (USPN: 6,097,441).

As per claims 28-30 and 37, Allport discloses a game and home entertainment device remote control system and an associate method of remotely controlling the game and home entertainment device, the system (see fig. 1) comprising a remote control (10) (fig. 1) having a touch pad (a touch screen 375, fig. 4, col. 6, line 18), a display screen (a LCD display 380, fig. 4) having a display area, and a controller (all elements shown in fig. 4 except a touch screen 375 and a LCD 380). As noting at col. 7, lines 11-35, col. 8, lines 33-61 and col. 10, lines 40-42, Allport further teaches the icons associated with the home entertainment devices, such as a CD player, TV, DVD player, VCR, etc., and games, and the controller operative to receive the touch pad signal caused by a user press (i.e., a gesture) on the icon in order to activate a corresponding program, and to determine whether the touch pad signal is for controlling a game or for

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controlling a home entertainment device, thereby performing a game activity or enabling a home entertainment device control function. Further see col. 6, lines 21-64, and col. 8, lines 13-16.

Regarding to claims 33 and 34, as noting at col. 6, lines 26-33 and lines 55-61, col. 8, lines 33-42, and col. 9, lines 1-5, Allport further teaches the touch pad divided into a plurality of graphical icons and/or a plurality of touch screen actuating buttons (i.e., corresponding to the claimed plurality of regions), each button or each icon executing different functions or different programs.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-5 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopresti, and further in view of Lee et al. (USPN: 5,545,857), hereinafter Lee.

Regarding to claim 3 as applied to claim 1 above, Goulden discloses all the claimed limitations except that Goulden does not disclose expressly that the display screen displays a moveable object and the controller is operative to proportionately position the moveable object on the display screen corresponding to a location touched on the touch pad (claim 3).

However, Lee expressly teaches that the display screen (27/38) displays a moveable object (a cursor 42), and the controller (a microcomputer 25 and a graphics/cursor controller 25, see fig. 7) is operative to proportionately position the moveable object (42) on the display screen (27/38) corresponding to a location touched on the touch pad (a touch panel 11, figs. 4A and 7).

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See col. 4, lines 23-56. It would have been obvious to one skilled in the art at the time of the invention was made to modify the Lopresti controller operative to proportionately position the moveable object on the display screen corresponding to a location touched on the touch pad, in view of the teaching in the Lee reference, because this would allow the user quickly to select a desired predetermined function or object displayed on the display screen, as taught by Lee (see col. 4, lines 52-56).

Regarding to claims 4, 5 and 24 as applied to claim 1 above, as noting in fig. 8, Lopresti further teaches the display screen divided into a plurality of graphical buttons (136) and each corresponding to one of different functions or different programs. Accordingly, Lopresti discloses all the claimed limitations except that Lopresti does not disclose expressly that the touch pad is divided into a plurality of regions (of claims 4 and 5), each region corresponding to one of selectable items displayed on the display screen (of claim 4), the controller is operative to interpret at least one gesture in one of the plurality of regions differently than the at least one gesture is interpreted in another of the plurality of regions (of claim 5), and at least a portion of the display area is mapped into the touch pad (of claim 24).

However, as noting in figs. 4A and 4B and the description at col. 4, lines 23-56, Lee expressly teaches that the touch pad is divided into a plurality of regions, each region corresponding to one of selectable items (function menus 40) displayed on the display screen, the controller (a microcomputer 25 and a graphics/cursor controller 25, see fig. 7) is operative to interpret at least one gesture (a press on a touch pad corresponding to FUNCTION 1) in one of the plurality of regions differently than the at least one gesture (a press on a touch pad corresponding to FUNCTION 6) is interpreted in another of the plurality of regions, and the

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display area is mapped into the touch pad. It would have been obvious to one skilled in the art at the time of the invention was made to divide the Lopresti touch pad into a plurality of regions, each region corresponding to one of selectable items displayed on the display screen, to provide the Lopresti controller operative to interpret at least one gesture in one of the plurality of regions differently than the at least one gesture, and to map the display area of the display screen into the touch pad, in view of the teaching in the Lee reference, because this would allow the user quickly to select a desired predetermined function or object displayed on the display screen, as taught by Lee (see col. 4, lines 52-56).

9. Claims 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopresti, and further in view of Gillespie et al. (USPN: 5,880,411), hereinafter Gillespie.

Regarding to these claims, as discussed in the rejection to claims 13, 17 and 21 above, Lopresti teaches the gesture comprising words, symbols, pictures and etc. (col. 2, lines 1-19). Lopresti does not expressly teach the gesture comprising at least one pressure sensitive gesture, velocity control gesture or acceleration control gesture, as recited in these claims. Accordingly, Lopresti discloses all the claimed limitations except for the gesture comprising at least one pressure sensitive gesture, velocity control gesture or acceleration control gesture.

However, Gillespie teaches that the controller is operative to associate at least one pressure sensitive gesture, one velocity control gesture, or one acceleration control gesture (figs. 15A-15G, abstract, col. 23, line 25, col. 26, lines 61-65, col. 42, lines 27-29). It would have been obvious to one skilled in the art at the time of the invention was made to modify the Lopresti controller to also operatively associate at least one pressure sensitive gesture, one velocity control gesture, or one acceleration control gesture, in view of the teaching in the Gillespie

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reference, because this would allow the use easily to call the desired functions associated with the desired convenient gestures with compensation for unintended motion of the finger or other object during operating the touch pad, as taught by Gillespie (col. 7, lines 10-16).

10. Claims 40, 44 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goulden, and further in view of Yoshida et al. (USPN: 5,502,803), hereinafter Yoshida.

Regarding to claims 40, 44 and 48, Goulden discloses all the claimed limitations except that Goulden does not disclose expressly the gesture comprising one simple linear movement gesture, as recited in claim 40, one rotational control gesture as recited in claim 44, or one complex gesture having at least two elements from a set consisting of straight line movements, taps, holds and circular movements, as recited in claim 48.

However, as noting in figs. 7, 15 and 21A-21C, col. 15, line 60 through col. 16, line 33, Yoshida teaches that the controller is operative to associate at least one gesture with a particular user of the system, the gesture comprising one simple linear movement gesture, one rotational control gesture, or one complex gesture having at least two elements from a set consisting of straight line movements, taps, holds and circular movements, and the controller allows user to edit a desired gesture associating with desired functions. It would have been obvious to one skilled in the art at the time of the invention was made to modify the Goulden controller to also provide the user capable of editing gesture with an associate function, because this would allow the use easily to call the desired functions associated with the desired convenient gestures, as taught by Yoshida (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Yoshida with Goulden to obtain the invention defined in claims above.

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11. Claims 43, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goulden, and further in view of Gillespie.

Regarding to these claims, as discussed above, Goulden discloses all the claimed limitations except that the controller is operative to associate at least one pressure sensitive gesture (claims 16 and 43), one velocity control gesture (claims 18 and 45), or one acceleration control gesture (claims 19 and 46). However, Gillespie teaches that the controller is operative to associate at least one pressure sensitive gesture, one velocity control gesture, or one acceleration control gesture (figs. 15A-15G, abstract, col. 23, line 25, col. 26, lines 61-65, col. 42, lines 27-29). It would have been obvious to one skilled in the art at the time of the invention was made to modify the Goulden controller to also operatively associate at least one pressure sensitive gesture, one velocity control gesture, or one acceleration control gesture, in view of the teaching in the Gillespie reference, because this would allow the use easily to call the desired functions associated with the desired convenient gestures with compensation for unintended motion of the finger or other object during operating the touch pad, as taught by Gillespie (col. 7, lines 10-16).

12. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goulden, and further in view of Lee.

Regarding to claim 47, as discussed above, Goulden discloses all the claimed limitations except that Goulden does not disclose expressly at least one gesture comprising an alphanumeric character entry gesture.

However, Lee teaches the controller operative to interpret at least one alphanumeric character entry gesture on the touch pad (see figs. 5A-5B, col. 5, lines 1-2). It would have been obvious to one skilled in the art at the time of the invention was made to modify the Goulden

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controller to also operatively interpret at least one alphanumeric character entry gesture on the touch pad, in view of the teaching in the Lee reference, because this would allow the use a simple and easy remote control operations, as taught by Lee (col. 1, lines 30-39).

13. Claims 40, 44 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport, and further in view of Yoshida.

Regarding to claims 40, 44 and 48, Allport discloses all the claimed limitations except that Allport does not disclose expressly the gesture comprising one simple linear movement gesture as recited in claim 40, one rotational control gesture as recited in claim 44, or one complex gesture having at least two elements from a set consisting of straight line movements, taps, holds and circular movements as recited in claim 48.

However, as noting in figs. 7, 15 and 21A-21C, col. 15, line 60 through col. 16, line 33, Yoshida teaches that the controller is operative to associate at least one gesture with a particular user of the system, the gesture comprising one simple linear movement gesture, one rotational control gesture, or one complex gesture having at least two elements from a set consisting of straight line movements, taps, holds and circular movements, and the controller allows user to edit a desired gesture associating with desired functions. It would have been obvious to one skilled in the art at the time of the invention was made to modify the Allport controller to also provide the user capable of editing gesture with an associate function, because this would allow the use easily to call the desired functions associated with the desired convenient gestures, as taught by Yoshida (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Yoshida with Allport to obtain the invention defined in claims above.

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14. Claims 43, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport, and further in view of Gillespie.

Regarding to these claims, as discussed above, Allport discloses all the claimed limitations except that the controller is operative to associate at least one pressure sensitive gesture (claims 16 and 43), one velocity control gesture (claims 18 and 45), or one acceleration control gesture (claims 19 and 46). However, Gillespie teaches that the controller is operative to associate at least one pressure sensitive gesture, one velocity control gesture, or one acceleration control gesture (figs. 15A-15G, abstract, col. 23, line 25, col. 26, lines 61-65, col. 42, lines 27-29). It would have been obvious to one skilled in the art at the time of the invention was made to modify the Allport controller to also operatively associate at least one pressure sensitive gesture, one velocity control gesture, or one acceleration control gesture, in view of the teaching in the Gillespie reference, because this would allow the use easily to call the desired functions associated with the desired convenient gestures with compensation for unintended motion of the finger or other object during operating the touch pad, as taught by Gillespie (col. 7, lines 10-16).

15. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allport, and further in view of Lee.

Regarding to claim 47, as discussed above, Allport discloses all the claimed limitations except that Allport does not disclose expressly at least one gesture comprising an alphanumeric character entry gesture.

However, Lee teaches the controller operative to interpret at least one alphanumeric character entry gesture on the touch pad (see figs. 5A-5B, col. 5, lines 1-2). It would have been obvious to one skilled in the art at the time of the invention was made to modify the Allport

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controller to also operatively interpret at least one alphanumeric character entry gesture on the touch pad, in view of the teaching in the Lee reference, because this would allow the use a simple and easy remote control operations, as taught by Lee (col. 1, lines 30-39).

Response to Arguments

16. With respect to amended independent claim 1, applicants arguments filed that Goulden or Allport does not teach a touch pad signal controlling the playing of a game, the results of which are displayed on a remote television screen, page 10, lines 10-12, and page 11, lines 3-5, have been considered but are moot in view of the new ground(s) of rejection.

17. With respect to amended independent claims 28 and 29, applicants arguments filed that Goulden or Allport does not teach the use of touch pad gestures, page 11, line 9 through page 12, line 9, have been fully considered but they are not persuasive because as discussed in the rejections above, a user press on a particular icon on the touch pad corresponds to one of the claimed gestures, and each icon corresponds to a different function or a different program activated by the controller. In other words, when the user presses on a first icon (i.e., a first gesture), the controller activates a first function or a first program, and when the user presses on a second icon (i.e., a second gesture) different from the first icon, the controller activates a second function or a second program, which is different from the first function or the first program. Accordingly, examiner believes both the Goulden and Allport references teach the controller recognizing gestures.

18. It is noted Applicants that the drawing objections, claim objections and the rejections under 35 USC 112, first paragraph, in the last Office Action dated 11/13/2003, are hereby withdrawn in view of the amendment filed on 04/14/2004.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is (703) 306-5422. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at (703) 305-4938.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

JHN
June 22, 2004

A handwritten signature in black ink, appearing to read 'JH' followed by a stylized flourish.

Jimmy H. Nguyen
Examiner
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